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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**
7

8 UNITED STATES OF AMERICA,) No. CR-10-00562 JF
9 Plaintiff,) **STIPULATION AND**
10 v.) **[PROPOSED] ORDER**
11 THOMAS O'MEARA,) **RESCHEDULING STATUS**
12) **CONFERENCE AND**
13 Defendant.) **EXCLUDING TIME FROM THE**
14) **SPEEDY TRIAL ACT**
15) **[18 U.S.C. § 3161(h)(8)(A)]**

16 This matter is currently set for status on July 28, 2011. The parties now
17 jointly request that the July 28, 2011 hearing date be reset to August 18, 2011
18 to allow defense counsel to review the additional 87,000 pages of discovery
19 produced in the case. Based on the stipulation, the Court finds and holds as
20 follows:

- 21 1. The currently scheduled July 28, 2011 hearing date is hereby
22 vacated.
23 2. This matter is re-set for status on August 18, 2011 at 9:00 a.m.
24 3. The time between July 28, 2011 and August 18, 2011 is excluded
25 under the Speedy Trial Act. The parties agree that the failure to grant the
requested continuance would unreasonable deny defense counsel reasonable

1 time necessary for effective preparation, taking into account the exercise of due
2 diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of
3 justice are served by granting the continuance outweigh the best interest of the
4 public and the defendant in a speedy trial and in the prompt disposition of
5 criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

6 STIPULATED:

7 DATED: 7/20/2011

/s/

8 Jeane DeKolver
Attorney for Tom O'Meara

10 DATED: 7/20/2011

/s/

11 Joseph Fazioli
Assistant United States Attorney

13 IT IS SO ORDERED.

15 DATED: 7/28/11

14 
16 Jeremy Fogel
United States District Judge